

Family Of Wal-Mart Employee Jdimytai Damour Sues Over Trampling Death

[FRANK ELTMAN](#) | December 3, 2008 05:44 PM EST | 

GARDEN CITY, N.Y. — The family of a worker trampled to death in a "Black Friday" crush of bargain hunters at a Long Island Wal-Mart store filed a wrongful-death lawsuit on Wednesday, claiming store ads offering deep discounts "created an atmosphere of competition and anxiety" that led to "crowd craze."

The lawsuit claims that besides failing to provide adequate security for a pre-dawn crowd estimated at 2,000, Wal-Mart "engaged in specific marketing and advertising techniques to specifically attract a large crowd and create an environment of frenzy and mayhem and was otherwise careless, reckless and negligent."

Wal-Mart issued a statement saying it would cooperate with local law enforcement officials to develop stronger safety measures for the future.

"We consider Mr. Damour part of the Wal-Mart family, and are saddened by his death," the statement said. "We have been in communication with members of his family to do what we can to help them through this difficult time. Our associates know that when incidents like this occur, we take care of our own."

In addition to the retailer, the adjacent Green Acres Mall, a realty company that manages the property and a security company hired to patrol the property were all named as defendants. A spokeswoman for the realty company declined to comment on pending litigation; none of the other defendants immediately responded to phone and e-mail inquiries seeking comment on the lawsuit.

Jdimytai Damour, 34, had been hired by an employment agency as a temporary worker at the Wal-Mart store in Valley Stream and had been on the job about a week when he died, said his family's lawyer, Jordan Hecht.

The 6-foot-5, 270-pound man died of asphyxiation after being crushed early Friday morning by the crowd, which broke down the electronic doors in frantic pursuit of

bargains. At least four other people were treated at hospitals, including a woman who was eight months pregnant.

Authorities suspect that because he was as big as an NFL lineman, Damour was placed at the entrance of the store to assist with crowd control.

"Those hundreds of people who did make their way into the store, literally had to step over or around him or unfortunately on him to get into the Wal-Mart store," Nassau County Police Commissioner Lawrence Mulvey said this week.

Police are reviewing store video to identify possible suspects in Damour's death, but Mulvey conceded that criminal charges are unlikely.

Mulvey said it was apparent to him that the Wal-Mart store about 20 miles east of [Manhattan](#) lacked adequate security to handle the crowds. He said police representatives met with retailers throughout the county two weeks before Thanksgiving and made it clear that security and crowd control for the sales were the merchants' responsibilities.

Hecht said Damour's family also plans to file lawsuits against Nassau County and its police department.

County Attorney Lorna Goodman said, "The county has no liability in situations of this kind."

The lawsuit against Wal-Mart and the other companies was filed Wednesday in state [Supreme Court](#) in the Bronx, the home of one of the victim's sisters, Elsie Damour Phillipe, the court-appointed administrator of his estate. It does not seek specific damages.

Shoppers around the country line up early outside stores on the day after Thanksgiving in the annual bargain-hunting ritual known as Black Friday. It got that name because it historically has been the day stores broke into profitability for the full year.

The National Retail Federation believes Damour is the first store worker to die on the job in the post-Thanksgiving rush.

http://www.huffingtonpost.com/2008/12/03/family-of-walmart-employee_n_148159.html